CALIFORNIA FARM BUREAU FEDERATION

NATIONAL AFFAIRS & RESEARCH DIVISION

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May 24, 2000

USDA-Forest Service, Content Analysis Enterprise Team
ATTN: UFP, Building 2, Suite 295
5500 Amelia Earhart Drive
Salt Lake City, UT 84116

RE: Unified Federal Policy for Watershed Approach to Federal Land and Resource Management

VIA FASCIMILIE: 801-517-1021
AND FIRST CLASS MAIL

Dear Sir/Madam:

The following comments are submitted on behalf of the 85,000 members of the California Farm Bureau Federation. The California Farm Bureau is a strong supporter of efforts to develop a true, scientific based understanding of the health of our watersheds. We are also strong supporters of nonpoint source pollution control and have devoted considerable time, staffing and funds to create and implement an agricultural nonpoint source pollution control program throughout the state. Through our endeavors we have seen, first hand, the importance of maintaining local, voluntary watershed groups. Replacing a locally-driven process with a federally controlled, standardized process will only interfere with the ability of private parties, local governments, state officials and our regional water quality control boards to work cooperatively to undertake scientific assessments of waterbodies and develop appropriate water quality protection and enhancement programs.

We believe that any attempt to use the Unified Watershed Assessment (Assessment), submitted by the State of California, to measure the health of watersheds within this state is reckless. We participated extensively in the development of California's Assessment. Based on this participation, we know that California did not actually assess **any** of California's watersheds. California relied solely on information that had already been gathered by various sources without utilizing any quality control or quality assurance mechanisms to verify the information. Very little of the information used was scientific; most was qualitative and narrative. The Environmental Protection Agency's own analysis of the data shows the following facts:

1) only seven percent of California's streams have actually been surveyed using monitoring data[1];

2) and only forty-two percent have been evaluated using "best professional judgement" assessments.[2]

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[1] United States Environmental Protection Agency, *Water Quality Inventory 1996 Report To Congress*, EPA 841-R-97-008, April, 1998.

[2] *Id.*

3) Of the total rivers and streams assessed in California, ninety-seven percent were found to be in either good or fair condition.[3]

4) Based on EPA and the state's own records, only forty-nine percent of California's streams have had any type of assessment that would make them eligible for consideration in Category I, and ninety-seven percent of these streams did not have problems.

It is very clear that if California's Assessment were in fact an accurate representation of the facts, fifty-one percent of the state's watersheds would have been placed in Category IV, which is reserved for watersheds with insufficient data to make an assessment. Less than two percent of California's watersheds met the description of Category I: watersheds impaired or in threat of impairment. Despite this, over eighty percent of the state's watersheds were placed in Category I of the Assessment. These discrepancies prove that it is very unwise to use California's Assessment as the basis for any policy, regulatory decision or prioritization.

It is also inappropriate to utilize California's Assessment because the cover letter accompanying California's Assessment explicitly states it was not meant to be utilized as the basis for any regulatory requirements nor require the establishment of total maximum daily loads for any watersheds.[4] California's Assessment was only meant to be used for targeting new federal funding for fiscal years 1999 and 2000.[5] Furthermore, it was clearly stated that California's development of the Assessment does not imply anything concerning the acceptance, rejection or endorsement of other key actions in the Clean Water Action Plan.[6]

With respect to the management of federal lands, federal officials obviously must play a role in the development of watershed assessment and protection and enhancement programs. However, control must remain at the local level and must not be dictated from Washington, D.C. Furthermore, control of nonpoint source pollution, on private lands, lies solely with the states. States have overall responsibility for waters under their jurisdiction and are partners with the federal government in the implementation of the Clean Water Act.[7] Federal land managers must, therefore, adopt a watershed assessment compatible with whatever watershed assessment a given state is utilizing.

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[3] *Id.*

[4] Letter to the Unified Watershed Assessment Federal Work Group from Mr. Walt Pettit, Executive Director, State Water Resources Control Board and Mr. Jeffrey R. Vonk, State Conservationist, Natural Resources Conservation Service, U.S. Department of Agriculture, September 30, 1998, page 4. (Attached)

[5] *Id.*

[6] *Id.*

[7] Federal Register, Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management; Notices, Volume 65, Number 35, February 22, 2000 at 8835.

This is critically important in California where federal lands are intermingled with state and private lands. If the federal government adopts its own independent and potentially conflicting watershed assessment process, which is the goal of this notice, it will force states to either choose the watershed assessment adopted by the federal government or ignore the federal government and proceed on their own courses. Congress, in drafting the Clean Water Act, envisioned the states to adopt their own approaches with respect to nonpoint source pollution, and it is the states' statutory right to do so. Needless to say, complete regulatory chaos will result if the states and federal agencies proceed on different watershed assessment paths.

This proposal will also infringe upon California's sovereignty. State water laws and regulatory authority have primacy over federal law and regulatory authority under the Clean Water Act. This action will allow federal land managers to decide the best approach for dealing with water quality and allocation and dictate land use and water use limits to achieve water quality objectives. However, California has its own process for making such decisions as set forth in California's Porter-Cologne Water Quality Act. This policy fails to adequately consider California's extensive environmental laws and regulations. Three state laws that provide environmental protections comparable to federal laws immediately come to mind. The Porter-Cologne Water Quality Act, mentioned above, requires a statewide program for the control of the quality of all waters of the state. The California Environmental Quality Act which is the equivalent of the National Environmental Policy Act (NEPA), lays out an extensive process for analyzing, reviewing and reporting on the environmental effects of a proposed project, public or private, that requires a state permit. Finally, the California Endangered Species Act provides protections comparable to the federal Endangered Species Act for all state-listed species. While federal land managers should play a role, California must ultimately decide, in accordance with state law and regulatory processes, the course it will take with respect to water quality issues.

Specifically with respect to the development of TMDLs, the federal government does not have the authority to dictate land use practices. Congress has not authorized the Environmental Protection Agency to regulate state land-use practices.[8] California must incorporate a total maximum daily load into its planning processes. But, it is California's planing processes, and the state of California that selects whatever, if any, land-management practices.[9] California could even refuse to implement a TMDL, eschewing best management practices, if it wished.[10] Admittedly, on federal lands, the federal government must play a role. However, that role must not usurp California's primacy of water quality issues. The role of the federal government must be as a partner with the state of California.

The state of California is presently embarking upon a long-term plan to develop a statewide watershed assessment program. The state legislature, regulatory agencies and the general public are all working together to develop procedures for this watershed assessment as well as

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[8] *Guido A. Pronsolino, et al. v. Felicia Marcus, et al.*, 91 Fed. Sup. 2d, 1337 (2000).
[9] *Id.*
[10] *Id.*

the necessary funding for the procedures. This effort will be seriously undermined if federal land managers in Washington, D.C. suddenly develop their own plan for watershed assessments, since the federal government owns more than fifty percent of the land in California.

This course of action on the part of federal land managers is also clearly premature. The federal Clean Water Action Plan is presently being litigated. This plan was created via an executive order with no Congressional oversight, and very little public participation. The entire plan is another example of the U.S. EPA and other federal regulatory agencies attempting to subvert the wishes of Congress and illegally expand their authority to regulate nonpoint source pollution. Public participation came after the order was already executed and the plan was in place. The first element of the plan, the Unified Watershed Assessment, was placed on such a fast timeline there was little opportunity for meaningful state and public participation. California was required to complete a statewide assessment of all of its watersheds, with time allowed for public comment due to requirements of state law, in less than three months. At a minimum, this proposal should be put on hold until the courts have resolved the issue.

This proposal is also unnecessary. Federal laws already in existence require federal land management agencies to consider and protect all natural resources. This includes water quality. The proposal acknowledges this fact. "We propose that this policy be implemented to the extent possible within the existing federal land and resource management planning programs and resources."[11] The National Environmental Policy Act already requires all federal agencies to utilize a systematic, interdisciplinary approach to environmental planning and decision making.[12] As the authority already exists and the planning process is already being implemented, there is no need for this proposal.

In view of the great number of extremely significant federal rule-makings currently under public review or waiting final draft amendment in response to public comments, no reasonable agency could insist upon the time limit for public input that has been allowed for this rule. Time must be allowed for comprehensive review of all the recent rulemaking proposals to determine their scope of overlap and conflicts. This rule, for example, appears to present significant procedural and substantive conflicts with the U.S. EPA's proposed rule on TMDLs, the recent National Marine Fisheries Service's draft 4(d) rule on steelhead and coho salmon, and the U.S. Forest Service's proposed new planning regulations to name a few. It is not only the public interest in citizen participation that is harmed by this unseemly rush to rulemaking; it is also in the interest of the government agencies charged with implementing these rules in a rational -- not arbitrary and capricious-- manner with due regard to all resources. We believe this proposed policy should be withdrawn.

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[11] Federal Register, Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management; Notices, Volume 65, Number 35, February 22, 2000, at 8835.
[12] *See* 42 U.S.C. §4332(A).

Enhancing and improving water quality and the health of our watersheds is a goal we are all striving to achieve. However, this policy will allow crucial decisions to be made in Washington D.C. by federal bureaucrats rather than on-the-ground, in California by the individuals who live and work in our watersheds. In its present form, the proposal will add unnecessary confusion to California's complex water quality protection laws, regulations and programs already underway. California's public agencies, business community and local citizens have been pioneers in implementing on-the-ground watershed enhancement and protection efforts. We are deeply committed to pursuing scientifically valid, economically feasible approaches to protecting our natural resources. California has the legal right to develop its own policies and programs with respect to water quality. California, not the federal government, must shape its own water quality programs. We urge the Department of Agriculture and the Department of the Interior to withdraw this proposal and direct federal land managers to work in partnership with the states.

Sincerely,

RONDA LUCAS
Director

Attachment

cc: The Honorable Richard Pombo
The Honorable Mike Thompson
The Honorable George Radanovich
The Honorable Ralph Regula
The Honorable Joe Skeen
Mr. Bob Stallman, American Farm Bureau Federation

ATTACHMENT

State Water Resources Control Board

John P. Caffrey, Chairman

Peter M. Rooney
Secretary for Environmental Protection

Executive Office
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Pete Wilson
Governor

September 30, 1998

Unified Watershed Assessment
Federal Workgroup
401 M Street, SW (4503F)
Washington, D.C. 20460

Dear Workgroup Members:

FINAL UNIFIED WATERSHED ASSESSMENT FOR CALIFORNIA

The final Unified Watershed Assessment for California (UWA) has been completed. A copy of the UWA is enclosed and is being submitted in response to the request in your August 27, 1998 memorandum.

This final UWA was prepared in accordance with the Federal Clean Water Action Plan (CWAP) and the guidance provided by the U.S. Department of Agriculture and the U.S. Environmental Protection Agency. The final UWA was prepared by an interagency workgroup headed by the California State Water Resources Control Board (SWRCB) and the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service. This workgroup consisted of broad representation from State, federal, and local agencies; Tribes; watershed groups; and other groups.

A draft UWA was prepared by the workgroup and released for public comment to over 2,000 persons and agencies during the month of August 1998. The workgroup prepared the final UWA after reviewing more than 170 written comments. A general response document that explains the basis for selecting the priority watersheds for listing in the final UWA will be sent to all persons who reviewed the draft UWA. This response document will also contain information on activities to be undertaken by the interagency workgroup after October 1, 1998.

Questions about the Unified Watershed Assessment for California can be directed to Ken Coulter of the SWRCB at (916) 657-0682 or Diane Holcomb of the USDA, Natural Resources Conservation Service at (530) 757-8261.

Sincerely,

Walt Pettit
Executive Director
State Water Resources Control Board

for Jeffrey R. Vonk
State Conservationist
Natural Resources Conservation Service
U.S. Department Of Agriculture

Enclosure

cc: Ms. Alexis Strauss
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Process for Development of the Final California Unified Watershed Assessment

(in response to the federal Clean Water Action Plan, October 1, 1998)

Introduction

The Clean Water Action Plan, released by President William Clinton and Vice-President Albert Gore on February 19, 1998, requested that States and Tribes, with assistance from federal agencies and input from stakeholders and the public, convene a collaborative process to develop a Unified Watershed Assessment (UWA) to guide allocation of new federal resources for watershed protection. The Plan calls for watersheds to be placed into one of four categories:

Category I - Watersheds that are candidates for increased restoration activities due to impaired water quality or other impaired natural resource goals (emphasis on aquatic systems).

Category II - Watersheds with good water quality that, through regular program activities, can be sustained and improved.

Category III - Watersheds with pristine or sensitive areas on federal, state or tribal lands that need protection.

Category IV - Watersheds where more information is needed in order to categorize them.

The Plan also calls for states and tribes, in collaboration with others, to establish priorities among Category I watersheds for the purpose of targeting proposed new federal funds during the 1999 and 2000 federal fiscal years. A deadline of August 1 was established to complete a draft Assessment and list of Priority Watersheds to be sent out for public review. The Plan established a deadline of October 1 to issue a final Assessment and Prioritization. The October 1 deadline coincides with the beginning of the federal fiscal year and the potential availability of new funds for restoring watersheds. Not all the priority watersheds identified in the Unified Watershed Assessment (UWA) will necessarily receive funding under the Clean Water Action Plan and the extent to which Congress will provide funding, if any, is unknown at this time.

The Plan also calls for specific activities to be completed after October 1, including identifying restoration action strategies for the priority Category I watersheds and developing a long term schedule for addressing the nonpriority Category I watersheds.

Description of the California Process

In California, the process for developing the UWA was convened jointly by State Water Resources Control Board staff and the United States Department of Agriculture Natural Resources Conservation Service, in collaboration with Tribes, other state and federal natural resource agencies, local governments, universities, and a variety of stakeholder groups. The over 100 Tribal Nations located within California were given the option of collaborating with the state process, or convening a

separate assessment process on their own lands. From the beginning of the first meetings held, some Tribes have elected to participate in the state process.

The process for developing a Unified Watershed Assessment in California has been an inclusive one, encouraging involvement from a wide array of groups and organizations, and encouraging the use of scientific data and information systems as its basis. The development of the assessment has also proceeded, based on certain mutual understandings of the participants. These understandings are primarily related to how the assessment will be used, and not used, and include: 1) the California Unified Watershed Assessment will be only used for targeting new federal funding for federal fiscal years 1999 and 2000; 2) the development of the UWA does not imply anything about the acceptance, rejection or endorsement of other key actions in the Clean Water Action Plan; 3) the UWA, by itself, will not impose new regulatory actions nor require Total Maximum Daily Loads (TMDLs) be established for the watersheds; and 4) the assessment is a dynamic product, subject to modification and improvements as better information becomes available. These mutual understandings were a necessary component for maintaining involvement in the process from local governments and other stakeholders concerned about additional regulation.

A number of open public meetings were held in developing the draft and final UWA, beginning with a regional Clean Water Action Plan meeting held April 14 in San Francisco, hosted by the heads of the federal departments involved in development of the Plan. The first meeting held specifically for California agency executives and Tribal Nation Chairs was on June 15 in Davis, where all 111 key actions in the Plan were reviewed and agency/tribal leadership identified. A second meeting was held June 18 to describe the UWA charge and proposed process, with an extensive public mailing done to invite potential stakeholders. This was a special meeting of the California State Technical Committee, a group originally established as part of the 1990 and 1996 Farm Bills, to make recommendations to the NRCS State Conservationist and other USDA agencies in California on delivery of agricultural programs. This Committee was asked to review the UWA key action and make recommendations on how to proceed with development of the draft and final products. (Note: The complete role of the Committee was to help develop the process, make comments on the draft product, provide feedback on the public comments received, and make final recommendations for completing the UWA.)

Volunteers were solicited from the June 18 meeting and through recommendations of participants to form a working group to develop the draft UWA. This working group included representatives from the State Water Resources Control Board, the USDA Natural Resources Conservation Service, University of California at Davis Information Center for the Environment, the Yurok Tribal Nation, the California Resources Agency, the California Department of Fish and Game, the California Department of Forestry and Fire Protection, the USDA Forest Service, the U.S. Environmental Protection Agency, the California Department of Health Services, the California Farm Bureau Federation, the California Association of Resource Conservation Districts, the California Coordinated Resource Management and Planning program, the California Department of Water Resources, the California State University at Chico, California Coastal Conservancy, and the USDI Bureau of Indian Affairs. Additional members joined the working group as the assessment proceeded.

The working group initially met in two open meetings - June 29 and July 17 - to establish the watershed boundaries to be used, to identify criteria for the four watershed categories and for setting

priorities within Category I, to identify the existing assessments and databases to use in completing the UWA, and to develop the public process for commenting on the draft assessment. The University of California at Davis, Information Center for the Environment, played a key role in assembling, analyzing and processing the various databases and assessments in Geographic Information Systems (GIS) format to compile the UWA using the criteria set by the working group.

A Draft California Unified Watershed Assessment was released for public review through a mail-out to over 2,100 stakeholders and posting on the California NRCS Website on August 1, 1998. A copy of the Draft California UWA was also submitted to the National UWA Workgroup on August 1, 1998. Written comments on the product were due to the State Water Resources Control Board by August 31, 1998.

Over 170 written comments were received on the Draft Assessment. These were reviewed at a September 8 meeting of the State Technical Committee, with Committee members being asked for their recommendations on how to process and incorporate the comments. The California working group met on September 14 and 18 to incorporate the State Technical Committee recommendations and public comments into a final assessment for California. The working group was expanded at these meetings to include greater representation from local governments, watershed groups and state agencies, namely, the Regional Council of Rural Counties, Nevada County Resource Conservation District, Yuba River Watershed Group, and Caltrans.

There has been much interest in California in the development of the Unified Watershed Assessment, including interest in the process, the product itself, and the ways in which the product will be used, now and in the future. From the beginning of the process, and continuing in the written comments, there was great concern over the short time frame given to produce the assessment product. To address this concern, the UWA is being viewed in California as a dynamic ongoing process, with the October 1, 1998, version of the product being used to target federal fiscal year 1999 and 2000 funds only. The assessment will continue to be reviewed and improved by the working group, with greater local government and stakeholder involvement, before future funding decisions are made.

Watershed Boundaries

The watershed boundaries being used in the assessment are the federal 8-digit cataloging unit boundaries, also known as federal hydrologic units, established by the U.S. Geologic Survey. These boundaries were obtained from the CALWATER 2.0 database, currently available from Teale Data Center and the California Department of Fish and Game. A modification of the 8-digit boundary was made in one watershed, the Tulare-Buena Vista Lakes Basin, located in Central California, and it was broken into three separate watersheds, using the state hydrologic subarea boundaries for the division. Using these boundaries, a total of 149 watersheds fall completely or partially in California. A crosswalk exists that matches the federal 8-digit cataloging unit with the state hydrologic subarea boundaries.

Criteria for Categories I-IV

The working group established the following criteria for each of the four watershed categories:

Criteria for Category I Watersheds:
Watersheds were considered to be Category I, if the following criteria were met:

Resource Goal	Criteria for Determining Impairment	Database/Assessment Used
Water Quality	Water Bodies listed as having impaired beneficial uses (e.g. drinking water, recreation, fisheries, agriculture & wildlife)	1998 Clean Water Act Section 303(d) list
OR	Watershed is identified by local groups as needing improvements for water quality and other natural resource goals	USDA Geographic Priority Areas database (part of Environmental Quality Incentives Program)
OR	Watersheds under threat of severe wild fires and attendant severe erosion due to very high fuels loading	Wildfire Potential Database from CA Dept. of Forestry & Fire Protection
OR *Fish and Aquatic Species*	Aquatic and wetlands species proposed or listed under state or federal endangered species laws are present	CA Dept. of Fish & Game Natural Diversity Database
OR *Habitat Protection*	The quality of aquatic and riparian systems is impaired as identified by the professional judgment assessment (PJA)	CA Rivers Assessment Database (University of CA at Davis, Information Center for the Environment)
OR	Streams/riparian areas are identified as not functioning or functioning at risk using the Proper Functioning Condition (PFC) Assessment method developed by USDA, Forest Service, DOI Bureau of Land Management & USDA Natural Resource Conservation Service.	CA Rivers Assessment Database (University of CA at Davis, Information Center for the Environment)

The working group and public identified additional criteria they wanted to include in determining Category I watersheds, including the degree to which water flows have been modified through the existence of dams, channels, canals, ponds and water transfers; and criteria related to groundwater and drinking water sources. The working group was not able to incorporate these criteria into the assessment either because statewide information was not available, or because they could not resolve how to incorporate them into the assessment. The working group plans to look at incorporating these criteria into future assessments.

Criteria for Category II Watersheds:
Category II watersheds include both government and non-government lands. These are watersheds that have good water quality throughout the basin, and where natural resource goals are being

substantially met. Category II watersheds were defined by first placing watersheds in Category I, according to the criteria outlined above. Second, the criteria for Category III watersheds were applied to the remaining watersheds and classified, as appropriate. Third, it was decided that all remaining watersheds (if any were left unclassified) would be placed in Category II, by default. These would then be examined individually by the working group to be sure Category II was the appropriate classification for them.

Criteria for Category III Watersheds:
Category III watersheds are those that have significant areas of government-owned lands (federal, state and tribal lands) that contain pristine or sensitive areas that need protection. Watersheds are considered to be Category III, if they are not impaired (i.e. not Category I), and a significant portion (more than 25 percent) of the watershed consists of:

Criteria for Pristine or Sensitive Areas	Database/Assessment Used
-Designated wilderness areas, National Park Service Lands, BLM Areas of Critical Environmental Concern, National Recreation Areas, State Parks & Reserves	Managed Areas Data Layer of U.S. Geologic Survey GAP Analysis Program (Level 1 Management Areas)
-Federal and State Wild and Scenic Rivers	Federal and State Wild and Scenic Rivers (DF&G data layer)

Criteria for Category IV Watersheds and Information Needs:
The initial Unified Watershed Assessment attempted to determine whether there were important environmental restoration needs in each individual watershed. At the scale of major watersheds (Hydrologic Units) treated in the California UWA, there is sufficient information in virtually every watershed to show whether any major waterways are impaired. Therefore, the California UWA does not identify any Category IV watersheds (insufficient information available). It is important to note, however, that this is not meant to imply that we do not need any more information about the condition of California watersheds. Even if there is enough information to document pressing restoration needs in many watersheds, assessment data for any given watershed are often incomplete and fragmentary. Resources are needed to develop better assessment data and information systems.

The working group, which represented a broad cross-section of agencies and stakeholders with an interest in water quality and land use policy, achieved a surprising level of consensus in setting priorities for watershed restoration. This success may be due in large part to the availability of pre-existing synthetic data sources and assessment tools for evaluating water-related resources. A variety of regional efforts, including the Sierra Nevada Ecosystem Project, the Interagency Ecological Program for the Bay-Delta Ecosystem, and Natural Community Conservation Planning efforts in Southern California, have developed integrated data and bioregional assessments for major portions of the California landscape. More recently, the California Biodiversity Council (which includes the heads of most of the state and federal resource management agencies in California) has sponsored a variety of efforts to coordinate data and provide better information to local policymakers. Data libraries and assessment tools from two Biodiversity Council initiatives, the California Rivers Assessment and the Natural Resources Project Inventory, provided an assessment framework for the UWA, augmented by data contributions from a number of other participants.

Information on endangered species, wetlands, and habitat condition is comprehensive and detailed in some places (usually highly impacted or unusually pristine) and rudimentary in between. Other information, for example risk of erosion, is hard to compare from place to place, due to different data collection methods and levels of resolution. The net result is that existing data are adequate to identify multiple restoration opportunities, but the absence of local information does not imply a lack of value or opportunity. The need to fill the data gaps is widely recognized, but will require renewed commitment and cooperation to make the data sufficiently comprehensive and interoperable to efficiently allocate restoration efforts and to address water quality problems before they become crises.

Criteria for Prioritizing Category I Watersheds

The Unified Watershed Assessment consists of two main parts: a) categorizing the watersheds into one of four categories, and b) prioritizing those watersheds needing protection and restoration (Category I watersheds). The prioritization process was simply a division of Category I watersheds into two groups: 1) Watersheds recommended for new funding in 1999 and 2000, if proposed augmentations to several existing water quality or environmental protection programs are passed by Congress; and 2) Other Category I watersheds.

In determining which watersheds were the highest priority, the working group examined the resource values, environmental risks and restoration opportunities that existed within each Category I watershed. Watersheds with high values (in terms of water quality, aquatic systems and beneficial uses of the water and/or resources), high risks to maintaining those values (e.g. impaired beneficial uses, stresses from human population growth, wildfire hazards, and loss of habitat), and high opportunity for achieving improvements (e.g. the presence of watershed groups and other local working groups, watersheds already identified by others as priorities, and the presence of Tribes with clean water programs) would be the high priority watersheds in which to focus resources.

Using these three areas of importance - *high value, high risk* and *high opportunity* - in which to establish priorities, the working group developed the following list of criteria. It should be noted that the group was constrained by time and the need for consistency to use only readily available resource data and digital maps covering the entire state. The working group and public commented that additional criteria should be examined for establishing future priorities, and that the UWA process and development of data and information should continue in order to improve the assessment for future funding years.

Criteria for Priority Watersheds

High Value
- Presence of Tribal Lands (from BIA Database)
- % Native Fish Species Richness (from Dr. Peter Moyle, UCD)
- Numbers of rare, aquatic, riparian and wetlands species present (DF&G Natural Diversity Database)
- Wetland & Vernal Pools Ranking (DF&G, Coastal Conservancy, EPA, NRCS, UCD-ICE professional judgment)
- Presence of anadromous salmonid fish species (NMFS Anadromous Species Status Review)
- Percentage of watershed with protected areas (USGS GAP Analysis Program - Level 1 Mgt. Areas)
- Percentage of watershed in native vegetation (USGS GAP Analysis Program - Vegetation Data Layer)
- State and Federal Wild and Scenic Rivers (DF&G data layer)
- Aquatic Diversity Management Areas (Dr. Peter Moyle, UCD)

High Risk
- Watersheds identified as having impairments for beneficial uses (SWRCB 303(d) list)
- Population Density (CA Dept. of Finance)
- Presence of proposed and listed threatened and endangered aquatic, wetland, anadromous salmonid and total species (DF&G Natural Diversity Database & NMFS Anadromous Species Status Review)
- High susceptibility for sediment production due to very high fuels hazard (CDF Wildfire Potential database); landslides (USFS Analysis of CDF state roads data and State Geologic Map of CA, Jennings, 1977); or surface erosion (USFS Analysis of STATSGO soils data)

High Opportunity
- SWRCB and RWQCB impaired and priority watersheds from 303(d) list and Watershed Management Initiative
- USDA Geographic Priority Areas identified by Local Working Groups (from USDA Environmental Quality Incentives Program)
- Number of watershed projects (from Natural Resource Projects Inventory database, excluding the noxious weeds database, UCD-ICE)
- Presence of Tribes with clean water programs (i.e. those Tribes with the "Treated as A State," or TAS designation from EPA)

Specific Geographic Information Systems (GIS) databases were used to apply these criteria to each of the watersheds. Watersheds were assigned numerical rankings for the state of the watershed with respect to each criterion. The rankings for the individual criteria for each watershed were then added together to create a total point count for each watershed within each area of importance - i.e. for high value, high risk and high opportunity.

The final California Unified Watershed Assessment identifies 66 priority Category I watersheds. The final list of priority watersheds was developed using a combination of the criteria/data analysis; public comments; and current watershed priorities of the State Water Resources Control Board. The data analysis yielded 34 priority watersheds by selecting those watersheds that ranked out to be above average (top 50 percent) in all three areas of high value, high risk and high opportunity, combined. The working group weighted the criteria used equally (in other words, each of the elements listed above contributed more or less equally to the draft recommendations.) The public comments yielded

an additional 21 priority watersheds, based on the numbers of comments received, the extent to which the comments documented adherence to the priority criteria, and the ranking the watershed received based on the data analysis. The remaining 11 priority watersheds were added on the basis of existing commitments to address 303(d) listed impaired water bodies.

What's Next After October 1, 1998?

The development of the California Unified Watershed Assessment has been a valuable activity for bringing together many different agencies, groups and individuals within a watershed framework to define common restoration priorities. It has come at a price, however, due to the short timeframe given to develop the assessment and the limited ability to more fully engage local governments, groups and other stakeholders in the process. Many organizations and individuals do not yet fully understand what the assessment is, and what it will be used for. Many fear this is just another attempt by government to control and regulate their lives. As a result, many of the activities undertaken after October 1, 1998, will be focused on further educating Californians on the Clean Water Action Plan, the Unified Watershed Assessment, and strategies being used at all levels of the public and private sectors to address water quality problems.

The Unified Watershed Assessment is being viewed in California as a dynamic ongoing process that will include several additional actions after October 1, 1998. These actions are contingent upon resources being available and include completion of restoration action strategies for the priority Category I watersheds, development of a long term schedule for addressing the nonpriority Category I watersheds, continued development of better data and information systems to improve the assessment product for future funding years, continued education/outreach efforts to inform stakeholders of what the assessment is and what it isn't, and continued functioning of the working group to continue and improve the UWA process.

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COVER SHEET

CFBF FAX

To:	USDA-Forest Service, Content Analysis Enterprise Team
Fax #:	801-517-1021
Subject:	Unified Federal Policy for Watershed Approach to Federal Land and Resource Management
Date:	May 24, 2000
Pages:	16

Hard copy to follow via first class mail.

From the desk of...
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May 24, 2000

USDA-Forest Service, Content Analysis Enterprise Team
ATTN: UFP, Building 2, Suite 295
5500 Amelia Earhart Drive
Salt Lake City, UT 84116

RE: Unified Federal Policy for Watershed Approach to Federal Land and Resource Management

VIA FASCIMILIE: 801-517-1021
AND FIRST CLASS MAIL

Dear Sir/Madam:

The following comments are submitted on behalf of the 85,000 members of the California Farm Bureau Federation. The California Farm Bureau is a strong supporter of efforts to develop a true, scientific based understanding of the health of our watersheds. We are also strong supporters of nonpoint source pollution control and have devoted considerable time, staffing and funds to create and implement an agricultural nonpoint source pollution control program throughout the state. Through our endeavors we have seen, first hand, the importance of maintaining local, voluntary watershed groups. Replacing a locally-driven process with a federally controlled, standardized process will only interfere with the ability of private parties, local governments, state officials and our regional water quality control boards to work cooperatively to undertake scientific assessments of waterbodies and develop appropriate water quality protection and enhancement programs.

We believe that any attempt to use the Unified Watershed Assessment (Assessment), submitted by the State of California, to measure the health of watersheds within this state is reckless. We participated extensively in the development of California's Assessment. Based on this participation, we know that California did not actually assess **any** of California's watersheds. California relied solely on information that had already been gathered by various sources without utilizing any quality control or quality assurance mechanisms to verify the information. Very little of the information used was scientific; most was qualitative and narrative. The Environmental Protection Agency's own analysis of the data shows the following facts:

1) only seven percent of California's streams have actually been surveyed using monitoring data[1];

2) and only forty-two percent have been evaluated using "best professional judgement" assessments.[2]

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[1] United States Environmental Protection Agency, *Water Quality Inventory 1996 Report To Congress*, EPA 841-R-97-008, April, 1998.
[2] *Id.*

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3) Of the total rivers and streams assessed in California, ninety-seven percent were found to be in either good or fair condition.[3]

4) Based on EPA and the state's own records, only forty-nine percent of California's streams have had any type of assessment that would make them eligible for consideration in Category I, and ninety-seven percent of these streams did not have problems.

It is very clear that if California's Assessment were in fact an accurate representation of the facts, fifty-one percent of the state's watersheds would have been placed in Category IV, which is reserved for watersheds with insufficient data to make an assessment. Less than two percent of California's watersheds met the description of Category I: watersheds impaired or in threat of impairment. Despite this, over eighty percent of the state's watersheds were placed in Category I of the Assessment. These discrepancies prove that it is very unwise to use California's Assessment as the basis for any policy, regulatory decision or prioritization.

It is also inappropriate to utilize California's Assessment because the cover letter accompanying California's Assessment explicitly states it was not meant to be utilized as the basis for any regulatory requirements nor require the establishment of total maximum daily loads for any watersheds.[4] California's Assessment was only meant to be used for targeting new federal funding for fiscal years 1999 and 2000.[5] Furthermore, it was clearly stated that California's development of the Assessment does not imply anything concerning the acceptance, rejection or endorsement of other key actions in the Clean Water Action Plan.[6]

With respect to the management of federal lands, federal officials obviously must play a role in the development of watershed assessment and protection and enhancement programs. However, control must remain at the local level and must not be dictated from Washington, D.C. Furthermore, control of nonpoint source pollution, on private lands, lies solely with the states. States have overall responsibility for waters under their jurisdiction and are partners with the federal government in the implementation of the Clean Water Act.[7] Federal land managers must, therefore, adopt a watershed assessment compatible with whatever watershed assessment a given state is utilizing.

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[3] *Id.*
[4] Letter to the Unified Watershed Assessment Federal Work Group from Mr. Walt Pettit, Executive Director, State Water Resources Control Board and Mr. Jeffrey R. Vonk, State Conservationist, Natural Resources Conservation Service, U.S. Department of Agriculture, September 30, 1998, page 4. (Attached)
[5] *Id.*
[6] *Id.*
[7] Federal Register, Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management; Notices, Volume 65, Number 35, February 22, 2000 at 8835.

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This is critically important in California where federal lands are intermingled with state and private lands. If the federal government adopts its own independent and potentially conflicting watershed assessment process, which is the goal of this notice, it will force states to either choose the watershed assessment adopted by the federal government or ignore the federal government and proceed on their own courses. Congress, in drafting the Clean Water Act, envisioned the states to adopt their own approaches with respect to nonpoint source pollution, and it is the states' statutory right to do so. Needless to say, complete regulatory chaos will result if the states and federal agencies proceed on different watershed assessment paths.

This proposal will also infringe upon California's sovereignty. State water laws and regulatory authority have primacy over federal law and regulatory authority under the Clean Water Act. This action will allow federal land managers to decide the best approach for dealing with water quality and allocation and dictate land use and water use limits to achieve water quality objectives. However, California has its own process for making such decisions as set forth in California's Porter-Cologne Water Quality Act. This policy fails to adequately consider California's extensive environmental laws and regulations. Three state laws that provide environmental protections comparable to federal laws immediately come to mind. The Porter-Cologne Water Quality Act, mentioned above, requires a statewide program for the control of the quality of all waters of the state. The California Environmental Quality Act which is the equivalent of the National Environmental Policy Act (NEPA), lays out an extensive process for analyzing, reviewing and reporting on the environmental effects of a proposed project, public or private, that requires a state permit. Finally, the California Endangered Species Act provides protections comparable to the federal Endangered Species Act for all state-listed species. While federal land managers should play a role, California must ultimately decide, in accordance with state law and regulatory processes, the course it will take with respect to water quality issues.

Specifically with respect to the development of TMDLs, the federal government does not have the authority to dictate land use practices. Congress has not authorized the Environmental Protection Agency to regulate state land-use practices.[8] California must incorporate a total maximum daily load into its planning processes. But, it is California's planing processes, and the state of California that selects whatever, if any, land-management practices.[9] California could even refuse to implement a TMDL, eschewing best management practices, if it wished.[10] Admittedly, on federal lands, the federal government must play a role. However, that role must not usurp California's primacy of water quality issues. The role of the federal government must be as a partner with the state of California.

The state of California is presently embarking upon a long-term plan to develop a statewide watershed assessment program. The state legislature, regulatory agencies and the general public are all working together to develop procedures for this watershed assessment as well as

[8] *Guido A. Pronsolino, et al. v. Felicia Marcus, et al.*, 91 Fed. Sup. 2d, 1337 (2000).
[9] *Id.*
[10] *Id.*

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the necessary funding for the procedures. This effort will be seriously undermined if federal land managers in Washington, D.C. suddenly develop their own plan for watershed assessments, since the federal government owns more than fifty percent of the land in California.

This course of action on the part of federal land managers is also clearly premature. The federal Clean Water Action Plan is presently being litigated. This plan was created via an executive order with no Congressional oversight, and very little public participation. The entire plan is another example of the U.S. EPA and other federal regulatory agencies attempting to subvert the wishes of Congress and illegally expand their authority to regulate nonpoint source pollution. Public participation came after the order was already executed and the plan was in place. The first element of the plan, the Unified Watershed Assessment, was placed on such a fast timeline there was little opportunity for meaningful state and public participation. California was required to complete a statewide assessment of all of its watersheds, with time allowed for public comment due to requirements of state law, in less than three months. At a minimum, this proposal should be put on hold until the courts have resolved the issue.

This proposal is also unnecessary. Federal laws already in existence require federal land management agencies to consider and protect all natural resources. This includes water quality. The proposal acknowledges this fact. "We propose that this policy be implemented to the extent possible within the existing federal land and resource management planning programs and resources."[11] The National Environmental Policy Act already requires all federal agencies to utilize a systematic, interdisciplinary approach to environmental planning and decision making.[12] As the authority already exists and the planning process is already being implemented, there is no need for this proposal.

In view of the great number of extremely significant federal rule-makings currently under public review or waiting final draft amendment in response to public comments, no reasonable agency could insist upon the time limit for public input that has been allowed for this rule. Time must be allowed for comprehensive review of all the recent rulemaking proposals to determine their scope of overlap and conflicts. This rule, for example, appears to present significant procedural and substantive conflicts with the U.S. EPA's proposed rule on TMDLs, the recent National Marine Fisheries Service's draft 4(d) rule on steelhead and coho salmon, and the U.S. Forest Service's proposed new planning regulations to name a few. It is not only the public interest in citizen participation that is harmed by this unseemly rush to rulemaking; it is also in the interest of the government agencies charged with implementing these rules in a rational -- not arbitrary and capricious-- manner with due regard to all resources. We believe this proposed policy should be withdrawn.

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[11] Federal Register, Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management; Notices, Volume 65, Number 35, February 22, 2000, at 8835.
[12] *See* 42 U.S.C. §4332(A).

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Enhancing and improving water quality and the health of our watersheds is a goal we are all striving to achieve. However, this policy will allow crucial decisions to be made in Washington D.C. by federal bureaucrats rather than on-the-ground, in California by the individuals who live and work in our watersheds. In its present form, the proposal will add unnecessary confusion to California's complex water quality protection laws, regulations and programs already underway. California's public agencies, business community and local citizens have been pioneers in implementing on-the-ground watershed enhancement and protection efforts. We are deeply committed to pursuing scientifically valid, economically feasible approaches to protecting our natural resources. California has the legal right to develop its own policies and programs with respect to water quality. California, not the federal government, must shape its own water quality programs. We urge the Department of Agriculture and the Department of the Interior to withdraw this proposal and direct federal land managers to work in partnership with the states.

Sincerely,

RONDA LUCAS
Director

Attachment

cc: The Honorable Richard Pombo
The Honorable Mike Thompson
The Honorable George Radanovich
The Honorable Ralph Regula
The Honorable Joe Skeen
Mr. Bob Stallman, American Farm Bureau Federation

Peter M. Rooney
Secretary for
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State Water Resources Control Board

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Pete Wilson
Governor

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September 30, 1998

Unified Watershed Assessment
Federal Workgroup
401 M Street, SW (4503F)
Washington, D.C. 20460

Dear Workgroup Members:

FINAL UNIFIED WATERSHED ASSESSMENT FOR CALIFORNIA

The final Unified Watershed Assessment for California (UWA) has been completed. A copy of the UWA is enclosed and is being submitted in response to the request in your August 27, 1998 memorandum.

This final UWA was prepared in accordance with the Federal Clean Water Action Plan (CWAP) and the guidance provided by the U.S. Department of Agriculture and the U.S. Environmental Protection Agency. The final UWA was prepared by an interagency workgroup headed by the California State Water Resources Control Board (SWRCB) and the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service. This workgroup consisted of broad representation from State, federal, and local agencies; Tribes; watershed groups; and other groups.

A draft UWA was prepared by the workgroup and released for public comment to over 2,000 persons and agencies during the month of August 1998. The workgroup prepared the final UWA after reviewing more than 170 written comments. A general response document that explains the basis for selecting the priority watersheds for listing in the final UWA will be sent to all persons who reviewed the draft UWA. This response document will also contain information on activities to be undertaken by the interagency workgroup after October 1, 1998.

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Questions about the Unified Watershed Assessment for California can be directed to Ken Coulter of the SWRCB at (916) 657-0682 or Diane Holcomb of the USDA, Natural Resources Conservation Service at (530) 757-8261.

Sincerely,

Walt Pettit
Executive Director
State Water Resources Control Board

for Jeffrey R. Vonk
State Conservationist
Natural Resources Conservation Service
U.S. Department Of Agriculture

Enclosure

cc: Ms. Alexis Strauss
Acting Director
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Ms. Joan Perry
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Natural Resources Conservation Service
U.S. Department of Agriculture
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Process for Development of the Final California Unified Watershed Assessment

(in response to the federal Clean Water Action Plan, October 1, 1998)

Introduction

The Clean Water Action Plan, released by President William Clinton and Vice-President Albert Gore on February 19, 1998, requested that States and Tribes, with assistance from federal agencies and input from stakeholders and the public, convene a collaborative process to develop a Unified Watershed Assessment (UWA) to guide allocation of new federal resources for watershed protection. The Plan calls for watersheds to be placed into one of four categories:

Category I - Watersheds that are candidates for increased restoration activities due to impaired water quality or other impaired natural resource goals (emphasis on aquatic systems).
Category II - Watersheds with good water quality that, through regular program activities, can be sustained and improved.
Category III - Watersheds with pristine or sensitive areas on federal, state or tribal lands that need protection.
Category IV - Watersheds where more information is needed in order to categorize them.

The Plan also calls for states and tribes, in collaboration with others, to establish priorities among Category I watersheds for the purpose of targeting proposed new federal funds during the 1999 and 2000 federal fiscal years. A deadline of August 1 was established to complete a draft Assessment and list of Priority Watersheds to be sent out for public review. The Plan established a deadline of October 1 to issue a final Assessment and Prioritization. The October 1 deadline coincides with the beginning of the federal fiscal year and the potential availability of new funds for restoring watersheds. Not all the priority watersheds identified in the Unified Watershed Assessment (UWA) will necessarily receive funding under the Clean Water Action Plan and the extent to which Congress will provide funding, if any, is unknown at this time.

The Plan also calls for specific activities to be completed after October 1, including identifying restoration action strategies for the priority Category I watersheds and developing a long term schedule for addressing the nonpriority Category I watersheds.

Description of the California Process

In California, the process for developing the UWA was convened jointly by State Water Resources Control Board staff and the United States Department of Agriculture Natural Resources Conservation Service, in collaboration with Tribes, other state and federal natural resource agencies, local governments, universities, and a variety of stakeholder groups. The over 100 Tribal Nations located within California were given the option of collaborating with the state process, or convening a

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separate assessment process on their own lands. From the beginning of the first meetings held, some Tribes have elected to participate in the state process.

The process for developing a Unified Watershed Assessment in California has been an inclusive one, encouraging involvement from a wide array of groups and organizations, and encouraging the use of scientific data and information systems as its basis. The development of the assessment has also proceeded, based on certain mutual understandings of the participants. These understandings are primarily related to how the assessment will be used, and not used, and include: 1) the California Unified Watershed Assessment will be only used for targeting new federal funding for federal fiscal years 1999 and 2000; 2) the development of the UWA does not imply anything about the acceptance, rejection or endorsement of other key actions in the Clean Water Action Plan; 3) the UWA, by itself, will not impose new regulatory actions nor require Total Maximum Daily Loads (TMDLs) be established for the watersheds; and 4) the assessment is a dynamic product, subject to modification and improvements as better information becomes available. These mutual understandings were a necessary component for maintaining involvement in the process from local governments and other stakeholders concerned about additional regulation.

A number of open public meetings were held in developing the draft and final UWA, beginning with a regional Clean Water Action Plan meeting held April 14 in San Francisco, hosted by the heads of the federal departments involved in development of the Plan. The first meeting held specifically for California agency executives and Tribal Nation Chairs was on June 15 in Davis, where all 111 key actions in the Plan were reviewed and agency/tribal leadership identified. A second meeting was held June 18 to describe the UWA charge and proposed process, with an extensive public mailing done to invite potential stakeholders. This was a special meeting of the California State Technical Committee, a group originally established as part of the 1990 and 1996 Farm Bills, to make recommendations to the NRCS State Conservationist and other USDA agencies in California on delivery of agricultural programs. This Committee was asked to review the UWA key action and make recommendations on how to proceed with development of the draft and final products. (Note: The complete role of the Committee was to help develop the process, make comments on the draft product, provide feedback on the public comments received, and make final recommendations for completing the UWA.)

Volunteers were solicited from the June 18 meeting and through recommendations of participants to form a working group to develop the draft UWA. This working group included representatives from the State Water Resources Control Board, the USDA Natural Resources Conservation Service, University of California at Davis Information Center for the Environment, the Yurok Tribal Nation, the California Resources Agency, the California Department of Fish and Game, the California Department of Forestry and Fire Protection, the USDA Forest Service, the U.S. Environmental Protection Agency, the California Department of Health Services, the California Farm Bureau Federation, the California Association of Resource Conservation Districts, the California Coordinated Resource Management and Planning program, the California Department of Water Resources, the California State University at Chico, California Coastal Conservancy, and the USDI Bureau of Indian Affairs. Additional members joined the working group as the assessment proceeded.

The working group initially met in two open meetings - June 29 and July 17 - to establish the watershed boundaries to be used, to identify criteria for the four watershed categories and for setting

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priorities within Category I, to identify the existing assessments and databases to use in completing the UWA, and to develop the public process for commenting on the draft assessment. The University of California at Davis, Information Center for the Environment, played a key role in assembling, analyzing and processing the various databases and assessments in Geographic Information Systems (GIS) format to compile the UWA using the criteria set by the working group.

A Draft California Unified Watershed Assessment was released for public review through a mail-out to over 2,100 stakeholders and posting on the California NRCS Website on August 1, 1998. A copy of the Draft California UWA was also submitted to the National UWA Workgroup on August 1, 1998. Written comments on the product were due to the State Water Resources Control Board by August 31, 1998.

Over 170 written comments were received on the Draft Assessment. These were reviewed at a September 8 meeting of the State Technical Committee, with Committee members being asked for their recommendations on how to process and incorporate the comments. The California working group met on September 14 and 18 to incorporate the State Technical Committee recommendations and public comments into a final assessment for California. The working group was expanded at these meetings to include greater representation from local governments, watershed groups and state agencies, namely, the Regional Council of Rural Counties, Nevada County Resource Conservation District, Yuba River Watershed Group, and Caltrans.

There has been much interest in California in the development of the Unified Watershed Assessment, including interest in the process, the product itself, and the ways in which the product will be used, now and in the future. From the beginning of the process, and continuing in the written comments, there was great concern over the short time frame given to produce the assessment product. To address this concern, the UWA is being viewed in California as a dynamic ongoing process, with the October 1, 1998, version of the product being used to target federal fiscal year 1999 and 2000 funds only. The assessment will continue to be reviewed and improved by the working group, with greater local government and stakeholder involvement, before future funding decisions are made.

Watershed Boundaries

The watershed boundaries being used in the assessment are the federal 8-digit cataloging unit boundaries, also known as federal hydrologic units, established by the U.S. Geologic Survey. These boundaries were obtained from the CALWATER 2.0 database, currently available from Teale Data Center and the California Department of Fish and Game. A modification of the 8-digit boundary was made in one watershed, the Tulare-Buena Vista Lakes Basin, located in Central California, and it was broken into three separate watersheds, using the state hydrologic subarea boundaries for the division. Using these boundaries, a total of 149 watersheds fall completely or partially in California. A crosswalk exists that matches the federal 8-digit cataloging unit with the state hydrologic subarea boundaries.

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Criteria for Categories I-IV

The working group established the following criteria for each of the four watershed categories:

Criteria for Category I Watersheds:
Watersheds were considered to be Category I, if the following criteria were met:

Resource Goal	Criteria for Determining Impairment	Database/Assessment Used
Water Quality	Water Bodies listed as having impaired beneficial uses (e.g. drinking water, recreation, fisheries, agriculture & wildlife)	1998 Clean Water Act Section 303(d) list
OR	Watershed is identified by local groups as needing improvements for water quality and other natural resource goals	USDA Geographic Priority Areas database (part of Environmental Quality Incentives Program)
OR	Watersheds under threat of severe wild fires and attendant severe erosion due to very high fuels loading	Wildfire Potential Database from CA Dept. of Forestry & Fire Protection
OR *Fish and Aquatic Species*	Aquatic and wetlands species proposed or listed under state or federal endangered species laws are present	CA Dept. of Fish & Game Natural Diversity Database
OR *Habitat Protection*	The quality of aquatic and riparian systems is impaired as identified by the professional judgment assessment (PJA)	CA Rivers Assessment Database (University of CA at Davis, Information Center for the Environment)
OR	Streams/riparian areas are identified as not functioning or functioning at risk using the Proper Functioning Condition (PFC) Assessment method developed by USDA, Forest Service, DOI Bureau of Land Management & USDA Natural Resource Conservation Service.	CA Rivers Assessment Database (University of CA at Davis, Information Center for the Environment)

The working group and public identified additional criteria they wanted to include in determining Category I watersheds, including the degree to which water flows have been modified through the existence of dams, channels, canals, ponds and water transfers; and criteria related to groundwater and drinking water sources. The working group was not able to incorporate these criteria into the assessment either because statewide information was not available, or because they could not resolve how to incorporate them into the assessment. The working group plans to look at incorporating these criteria into future assessments.

Criteria for Category II Watersheds:
Category II watersheds include both government and non-government lands. These are watersheds that have good water quality throughout the basin, and where natural resource goals are being

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substantially met. Category II watersheds were defined by first placing watersheds in Category I, according to the criteria outlined above. Second, the criteria for Category III watersheds were applied to the remaining watersheds and classified, as appropriate. Third, it was decided that all remaining watersheds (if any were left unclassified) would be placed in Category II, by default. These would then be examined individually by the working group to be sure Category II was the appropriate classification for them.

Criteria for Category III Watersheds:
Category III watersheds are those that have significant areas of government-owned lands (federal, state and tribal lands) that contain pristine or sensitive areas that need protection. Watersheds are considered to be Category III, if they are not impaired (i.e. not Category I), and a significant portion (more than 25 percent) of the watershed consists of:

Criteria for Pristine or Sensitive Areas	Database/Assessment Used
-Designated wilderness areas, National Park Service Lands, BLM Areas of Critical Environmental Concern, National Recreation Areas, State Parks & Reserves	Managed Areas Data Layer of U.S. Geologic Survey GAP Analysis Program (Level 1 Management Areas)
-Federal and State Wild and Scenic Rivers	Federal and State Wild and Scenic Rivers (DF&G data layer)

Criteria for Category IV Watersheds and Information Needs:
The initial Unified Watershed Assessment attempted to determine whether there were important environmental restoration needs in each individual watershed. At the scale of major watersheds (Hydrologic Units) treated in the California UWA, there is sufficient information in virtually every watershed to show whether any major waterways are impaired. Therefore, the California UWA does not identify any Category IV watersheds (insufficient information available). It is important to note, however, that this is not meant to imply that we do not need any more information about the condition of California watersheds. Even if there is enough information to document pressing restoration needs in many watersheds, assessment data for any given watershed are often incomplete and fragmentary. Resources are needed to develop better assessment data and information systems.

The working group, which represented a broad cross-section of agencies and stakeholders with an interest in water quality and land use policy, achieved a surprising level of consensus in setting priorities for watershed restoration. This success may be due in large part to the availability of pre-existing synthetic data sources and assessment tools for evaluating water-related resources. A variety of regional efforts, including the Sierra Nevada Ecosystem Project, the Interagency Ecological Program for the Bay-Delta Ecosystem, and Natural Community Conservation Planning efforts in Southern California, have developed integrated data and bioregional assessments for major portions of the California landscape. More recently, the California Biodiversity Council (which includes the heads of most of the state and federal resource management agencies in California) has sponsored a variety of efforts to coordinate data and provide better information to local policymakers. Data libraries and assessment tools from two Biodiversity Council initiatives, the California Rivers Assessment and the Natural Resources Project Inventory, provided an assessment framework for the UWA, augmented by data contributions from a number of other participants.

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Information on endangered species, wetlands, and habitat condition is comprehensive and detailed in some places (usually highly impacted or unusually pristine) and rudimentary in between. Other information, for example risk of erosion, is hard to compare from place to place, due to different data collection methods and levels of resolution. The net result is that existing data are adequate to identify multiple restoration opportunities, but the absence of local information does not imply a lack of value or opportunity. The need to fill the data gaps is widely recognized, but will require renewed commitment and cooperation to make the data sufficiently comprehensive and interoperable to efficiently allocate restoration efforts and to address water quality problems before they become crises.

Criteria for Prioritizing Category I Watersheds

The Unified Watershed Assessment consists of two main parts: a) categorizing the watersheds into one of four categories, and b) prioritizing those watersheds needing protection and restoration (Category I watersheds). The prioritization process was simply a division of Category I watersheds into two groups: 1) Watersheds recommended for new funding in 1999 and 2000, if proposed augmentations to several existing water quality or environmental protection programs are passed by Congress; and 2) Other Category I watersheds.

In determining which watersheds were the highest priority, the working group examined the resource values, environmental risks and restoration opportunities that existed within each Category I watershed. Watersheds with high values (in terms of water quality, aquatic systems and beneficial uses of the water and/or resources), high risks to maintaining those values (e.g. impaired beneficial uses, stresses from human population growth, wildfire hazards, and loss of habitat), and high opportunity for achieving improvements (e.g. the presence of watershed groups and other local working groups, watersheds already identified by others as priorities, and the presence of Tribes with clean water programs) would be the high priority watersheds in which to focus resources.

Using these three areas of importance - *high value, high risk* and *high opportunity* - in which to establish priorities, the working group developed the following list of criteria. It should be noted that the group was constrained by time and the need for consistency to use only readily available resource data and digital maps covering the entire state. The working group and public commented that additional criteria should be examined for establishing future priorities, and that the UWA process and development of data and information should continue in order to improve the assessment for future funding years.

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Criteria for Priority Watersheds

High Value
- Presence of Tribal Lands (from BIA Database)
- % Native Fish Species Richness (from Dr. Peter Moyle, UCD)
- Numbers of rare, aquatic, riparian and wetlands species present (DF&G Natural Diversity Database)
- Wetland & Vernal Pools Ranking (DF&G, Coastal Conservancy, EPA, NRCS, UCD-ICE professional judgment)
- Presence of anadromous salmonid fish species (NMFS Anadromous Species Status Review)
- Percentage of watershed with protected areas (USGS GAP Analysis Program - Level 1 Mgt. Areas)
- Percentage of watershed in native vegetation (USGS GAP Analysis Program - Vegetation Data Layer)
- State and Federal Wild and Scenic Rivers (DF&G data layer)
- Aquatic Diversity Management Areas (Dr. Peter Moyle, UCD)

High Risk
- Watersheds identified as having impairments for beneficial uses (SWRCB 303(d) list)
- Population Density (CA Dept. of Finance)
- Presence of proposed and listed threatened and endangered aquatic, wetland, anadromous salmonid and total species (DF&G Natural Diversity Database & NMFS Anadromous Species Status Review)
- High susceptibility for sediment production due to very high fuels hazard (CDF Wildfire Potential database); landslides (USFS Analysis of CDF state roads data and State Geologic Map of CA, Jennings, 1977); or surface erosion (USFS Analysis of STATSGO soils data)

High Opportunity
- SWRCB and RWQCB impaired and priority watersheds from 303(d) list and Watershed Management Initiative
- USDA Geographic Priority Areas identified by Local Working Groups (from USDA Environmental Quality Incentives Program)
- Number of watershed projects (from Natural Resource Projects Inventory database, excluding the noxious weeds database, UCD-ICE)
- Presence of Tribes with clean water programs (i.e. those Tribes with the "Treated as A State," or TAS designation from EPA)

Specific Geographic Information Systems (GIS) databases were used to apply these criteria to each of the watersheds. Watersheds were assigned numerical rankings for the state of the watershed with respect to each criterion. The rankings for the individual criteria for each watershed were then added together to create a total point count for each watershed within each area of importance - i.e. for high value, high risk and high opportunity.

The final California Unified Watershed Assessment identifies 66 priority Category I watersheds. The final list of priority watersheds was developed using a combination of the criteria/data analysis; public comments; and current watershed priorities of the State Water Resources Control Board. The data analysis yielded 34 priority watersheds by selecting those watersheds that ranked out to be above average (top 50 percent) in all three areas of high value, high risk and high opportunity, combined. The working group weighted the criteria used equally (in other words, each of the elements listed above contributed more or less equally to the draft recommendations.) The public comments yielded

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an additional 21 priority watersheds, based on the numbers of comments received, the extent to which the comments documented adherence to the priority criteria, and the ranking the watershed received based on the data analysis. The remaining 11 priority watersheds were added on the basis of existing commitments to address 303(d) listed impaired water bodies.

What's Next After October 1, 1998?

The development of the California Unified Watershed Assessment has been a valuable activity for bringing together many different agencies, groups and individuals within a watershed framework to define common restoration priorities. It has come at a price, however, due to the short timeframe given to develop the assessment and the limited ability to more fully engage local governments, groups and other stakeholders in the process. Many organizations and individuals do not yet fully understand what the assessment is, and what it will be used for. Many fear this is just another attempt by government to control and regulate their lives. As a result, many of the activities undertaken after October 1, 1998, will be focused on further educating Californians on the Clean Water Action Plan, the Unified Watershed Assessment, and strategies being used at all levels of the public and private sectors to address water quality problems.

The Unified Watershed Assessment is being viewed in California as a dynamic ongoing process that will include several additional actions after October 1, 1998. These actions are contingent upon resources being available and include completion of restoration action strategies for the priority Category I watersheds, development of a long term schedule for addressing the nonpriority Category I watersheds, continued development of better data and information systems to improve the assessment product for future funding years, continued education/outreach efforts to inform stakeholders of what the assessment is and what it isn't, and continued functioning of the working group to continue and improve the UWA process.